

REMARKS

This is in response to the Office Action of September 5, 2008 in which the Examiner rejected claims 1, 6, 10 11, 13, and 14 as allegedly anticipated by Verwohit . Claims 2-5 are rejected as unpatentable over Verwohit in view of Helger in view of Stanchfield.

The Examiner's rejection is respectfully traversed for the reasons set forth below.

Applicant believes that Verwohlt does not fulfill the final clause of the amended claim 1 – i.e. it doesn't have a formation providing a connector portion at the other end of the tube. The Examiner's attention is respectfully directed to Fig. 4 of Verwohlt, where in the groove 22 is not at the bottom of the tube (the other end from the open end as defined in our claim 1), but is actually closer to the open end of the tube (just under the flange 21). Accordingly, the snap fit engagement is not with the bottom surface of the rack (tray) 10. The groove just catches underneath the top wall 12 of the tray 10.

These differences are significant and the reason the click-in feature is on the bottom of the tube is that it is desired to maximize (within the most compact format possible, i.e. and maintaining the standard well spacing for such well-plates):

- a) the volume of the tube,
- b) the area of the top of the tube (when sealed with a foil) that could be pierced by a dispensing pin, and
- c) the lead-in of the tube into the rack.

None of these requirements is met by Verwohlt and they could only have been met by designing the click-in feature on the bottom of the tube.

The other objections are believed to be moot as they all rely on the Examiner's main argument regarding Verwohlt as allegedly anticipating claim 1.

In view of the foregoing, it is respectfully requested that the Examiner reconsider his rejection of the claims, the allowance of which is earnestly solicited.

If additional fees are required, the Director is authorized to charge Deposit Account 504147 or credit any overpayment threto.

Respectfully submitted,

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